IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.99 OF 2005

Shri Pandurang Vishnu Anturkar. ..Petitioner.

V/s.

Maharashtra Housing and
Area Development Authority, Pune. ..Respondent.

Mr.S.B.Deshmukh for petitioner.

Mr.G.W.Mattos, Asstt. Govt.Pleader for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 20, 2006.

P.C. :

1. Heard counsel for the parties.

2. I see no propriety in entertaining this contempt petition. I find substance in the argument canvassed by the respondent that the petitioner had misled this court, when the order dated December 16, 2004 came to be passed in Writ Petition No.7183 of 2002. The operative order, which is passed by this Court is on the assumption that the Civil Appeal No.655 of 1999, was still pending before the Appellate Court. In fact much earlier to the order passed by the High Court, the Civil Appeal was disposed of. The record indicates that the said Civil Appeal was allowed on 16th July, 2003. If so,

the observations made in the order dated December 16, 2004 will be of no avail to initiate contempt action against the respondents. I also find substance in the objection taken by the respondent that the statement made in the present contempt petition filed on 20th March, 2005 in paragraph-8 that said Civil Appeal is still pending and is not decided as yet is incorrect and false to the knowledge of the petitioner. Accordingly, this petition is dismissed. Notice issued to the respondent is discharged.